State Water Contractors

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October 31, 2002

Paul Marshall
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Dan Meier
U.S. Bureau of Reclamation, MP-700
2800 Cottage Way
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RE: State Water Contractors' Comments on the Scope and Content of the South Delta Improvement Program Environmental Impact Report/Environmental Impact Statement

Dear Messrs Marshall and Meier:

Attached for your consideration in developing environmental documentation on the South Delta Improvement Program are comments from the State Water Contractors on the program's scope and content. If you have any questions about our comments, please call Terry Erlewine at (916) 447-7357.

Sincerely,

John C. Coburn
General Manager

Attachment

Comments of the State Water Contractors

On the Scope and Content of the

South Delta Improvements Program

Environmental Impact Report/Environmental Impact Statement

October 31, 2002

These comments on the scope and content of the South Delta Improvements Program (SDIP) Environmental Impact Report/Environmental Impact Statement (EIR/EIS) are presented on behalf of the State Water Contractors (SWC). The State Water Contractors organization consists of 27 public agencies[1] that hold contracts or rights for up to 4.1 million acre-feet (MAF) of water delivered by the State Water Project ("SWP"). Member agencies of the State Water Contractors supply SWP water for drinking, commercial, industrial and agricultural purposes to nearly 22 million people (approximately two-thirds of California's population) residing in Northern California, the San Francisco Bay Area, the Central Valley, the Central Coast and Southern California. SWC members also provide water to irrigate approximately 750,000 acres of farmland in the San Joaquin Valley.

The SWC strongly supports SDIP, as it represents a critical element in the joint state-federal CALFED Bay-Delta Program, which is needed to address the state's growing supply deficiencies in addition to environmental restoration. This past year illustrates the problem that the SDIP will help alleviate. As a result of dry conditions in 2001, the SWC received only 39 percent of entitlement, despite the fact that the previous six years had been wet or above normal, and reservoirs were still relatively full. DWR's own draft State Water Project Delivery Reliability Report show that on average, SWC can count on only about 75 percent of contract supplies. Allowing additional pumping through the SDIP is the first step in shoring up supplies against what could be a serious sustained water supply shortage, as well as providing the system with additional flexibility that would result in increased environmental protection.

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[1]The public agencies that comprise the State Water Contractors are the following: Alameda County Flood Control and Water Conservation District, Zone 7, Alameda County Water District, Antelope Valley-East Kern Water Agency, Casitas Municipal Water District, Castaic Lake Water Agency, Central Coast Water Authority, City of Yuba City, Coachella Valley Water District, County of Kings, Crestline-Lake Arrowhead Water Agency, Desert Water Agency, Dudley Ridge Water District, Empire-West Side Irrigation District, Kern County Water Agency, Littlerock Creek Irrigation District, Metropolitan Water District of Southern California, Mojave Water Agency, Napa County Flood Control and Water Conservation District, Oak Flat Water District, Palmdale Water District, San Bernardino Valley Municipal Water District, San Gabriel Valley Municipal Water District, San Gorgonio Pass Water Agency, San Luis Obispo County Flood Control and Water Conservation District, Santa Clara Valley Water District, Solano County Water Agency, and Tulare Lake Basin Water Storage District

The CALFED Program Record of Decision calls for the increase of SWP pumping rates from the current limit of 6,680 cfs to 8,500 cfs by the middle of 2003 "to increase water supplies by restoring the SWP's operational flexibility as well as allowing diversion of a larger proportion of water supplies in the Delta during periods of good water quality" (CALFED Bay/Delta Program Record of Decision, August 28, 2000, page 49). An increase of permitted pumping rates to 8,500 cfs, would significantly enhance the SWP's reliability. With environmental concerns now being addressed through the CALFED program and completion of site-specific environmental review already a year behind schedule, this project should now be moved forward as expeditiously as possible.

Scope of the EIR/EIS. While the SDIP ultimately will include an expansion of pumping limits to the design maximum of 10,300 cfs, the SWC believes it is appropriate to limit the scope of this EIR/EIS to the 8,500 cfs expansion. A decision to proceed with expansion to 8,500 cfs in no way implicates, prejudges or commits resources irretrievably towards additional expansion to 10,300 cfs. The decision to proceed to 10,300 cfs will rest on its own merits, and must be based on consideration of appropriate fish screen technology. Determining the appropriate type, size and location of fish screens for the ultimate expansion to 10,300 cfs will take additional time and study. It is neither desirable nor necessary to delay a decision regarding expansion to 8,500 cfs until those questions have been answered.

Range of alternatives. We recommend that the EIR/EIS analyze two alternatives in addition to the No Action alternative. The first action alternative should be one that provides for full use of the additional permitted capacity to 8,500 cfs, unconstrained by any additional operational requirements beyond existing water quality standards. While such an operational alternative would need to address potential impacts on Environmental Water Account supplies, we believe that any other environmental impacts would be negligible or offset by the extensive environmental restoration already underway as part of the CALFED program. We also recommend analysis of the water supply and environmental benefits of a second alternative, along the lines currently under discussion informally among stakeholders, that would allow full pumping much of the time, but constraints at certain specified, environmentally sensitive times, coupled with strategies for offsetting any potential EWA impacts. We recommend against inclusion of any alternatives examining other means of meeting water supply and quality objectives, as all of those potential alternatives are already being addressed in the CALFED program.

Environmental Impact Analysis. The environmental impact analysis must provide a thorough discussion of the presumed impacts of additional pumping, with full acknowledgement of the scientific uncertainties underlying the theories that pumping causes significant impacts on fish populations. It should clarify that pumping rates have little direct impact on endangered fish populations and that presumed indirect effects are sometimes based on conflicting data with relatively low statistical significance. It should acknowledge that a variety of actions could be taken to restore fish populations that may have greater efficacy than reduced pumping.

Water Supply and EWA Impact Analysis. The EIR/EIS should assess the water supply benefits of the increased capacity for each of the action alternatives, as well as the No Action alternative. The EIR/EIS should analyze the impacts of increased pumping operations on net EWA supply and evaluate options for offsetting impacts through increased storage and other structural or institutional actions. The EIR/EIS should not, however, presume that net EWA impacts necessarily translate directly into environmental impacts, because the role and value of the EWA are still under evaluation in the CALFED science program. The operational alternatives need to provide for some change or adaptation in restrictions over time if science demonstrates that pumping reductions through the EWA do not provide sufficient environmental benefits to justify their cost.

The EIR/EIS should also evaluate the impacts to Delta water quality and South Delta Water Agency supplies and identify related actions that could be taken simultaneously to mitigate such impacts.

Mitigation issues. Some have suggested that additional mitigation measures will be needed before expansion to 8,500 cfs can occur in order to offset potential impacts on fish. SWC strongly disagrees with this argument for several reasons. First, it ignores the existing Four Pump Mitigation Program, which provides for mitigation of direct fish losses at the pumps and theoretically would automatically provide mitigation for any direct impacts of expanded pumping. Second, we disagree with the theory that additional pumping up to 8,500 cfs will in fact cause significant population-level impacts on fish. To the extent that operations of Banks at 8,500 cfs result in such an effect, it would be mitigated by the EWA. To the extent the EIR/EIS demonstrates that the new operational rules may reduce the effectiveness of existing EWA assets, it should evaluate and DWR should employ other strategies to keep the EWA effective.

Finally, additional mitigation should not be required because the CALFED program has been designed overall to result in net positive effects to species that will provide a positive recovery trajectory. While it could be postulated that the increased pumping would result in some diminution of the magnitude or rate of recovery, the comprehensive CALFED program has already provided and will continue to provide substantial environmental enhancement that would more than offset any such potential diminution (including, for example, important progress related to fish salvage, holding, transport and release).

We do recognize, however, the potential for some site-specific impacts to local water users' supply and to drinking water quality. The EIR/EIS should analyze and develop mitigation strategies for these impacts. Specifically, it should assess the impacts on the levels of constituents such as bromide and TOC at Clifton Court Forebay and Tracy, on at least a monthly basis under a full range of hydrologies. The SWC supports the inclusion of measures that would mitigate such project-specific, "footprint" impacts, especially those needed to prevent any further degradation on in water quality. We also support inclusion of certain environmental restoration actions in a "package" to be implemented simultaneously with the expansion to 8,500 cfs, such as restoration of Dutch

Slough, Suisun Marsh, and Battle Creek. We do not believe these actions should be categorized as mitigation measures (since they are already part of the CALFED Ecosystem Program), but a high priority should be placed on their implementation at this time in keeping with the overall CALFED goal of providing balanced implementation towards multiple program goals.

In conclusion, the SWC strongly supports rapid implementation of the environmental review and permits for expansion of Banks pumping capacity to 8,500 cfs. This action represents an important test of CALFED's ability to implement the Bay-Delta Program in a balanced manner, providing much needed recovery to water supplies as well as to the ecosystem.